

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KAANAPALI KAI CHARTERS, INC.,

Plaintiff,

vs.

KITSAP CATAMARANS, LLC, et al.,

Defendants.

Case No. 07-5607-KLS

ORDER COMPELLING
ARBITRATION

THIS MATTER having been presented for hearing without oral argument on Plaintiff Kaanapali Kai Charters, Inc.'s ("KKC") Motion to Compel Arbitration and for Stay of Action Pending Entry of Arbitration Award, and the Court having considered all submitted materials, including:

Plaintiff KKC's Motion to Compel Arbitration and for Stay of Action Pending Entry of Arbitration Award;

Declaration of Jan Nolan In Support of Plaintiffs Motion to Compel Arbitration and for Stay of Action Pending Entry of Arbitration Award, and Exhibits thereto; and

Declaration of Dennis Niles In Support of Plaintiffs Motion to Compel Arbitration and for Stay of Action Pending Entry of Arbitration Award, and Exhibits thereto.

ORDER COMPELLING ARBITRATION

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1 The Defendants did not filed any opposition to the Plaintiff's motion.

2 NOW THEREFORE, it is hereby

3 ORDERED, ADJUDGED, and DECREED that Plaintiffs' Motion to Compel
4 Arbitration and for Stay of Action Pending Entry of Arbitration Award be and is hereby
5 **GRANTED** (Dkt. #17).

6 It is further ORDERED that the parties shall arbitrate their dispute in accord with the
7 terms set forth in their Stipulation and Agreement to Arbitrate. Specifically, the parties shall
8 arbitrate this dispute in King County, Washington at a time and place agreed upon by the
9 parties. If the parties cannot agree, the time and place shall be designated by the arbitrators in
10 accord with RCW 7.4.070. This matter shall be heard and determined by three arbitrators, of
11 the parties' choosing. If the parties cannot agree on the appointment of one or more arbitrator,
12 the arbitrator(s) in dispute remaining to be selected shall be appointed by this Court pursuant to
13 RCW 7.4.050. Plaintiff and Defendants shall share equally the fees and costs of the arbitration.
14 Each party is hereby authorized to conduct discovery as if this litigation were proceeding under
15 the Federal Rules of Civil Procedure, which rules shall continue to govern all discovery in this
16 proceeding. Prior to the arbitration, the parties shall meet and confer regarding time limits for
17 presentation of evidence and argument at the arbitration hearing. If the parties cannot agree,
18 the arbitrators shall set such time limits.

19 The arbitrators shall also render their decision within thirty days of the conclusion of the
20 arbitration hearing, or within fourteen days of receipt of the parties' post-arbitration brief, if
21 any.

22 It is further **ORDERED** that the arbitration hearing shall take place by November 3,
23 2008, and the Plaintiff shall notify the Court of the arbitration date.

1 It is further **ORDERED** that the captioned matter shall be STAYED pending the
2 outcome of the arbitration between the parties and the scheduled trial date of November 6, 2008
3 is stricken.

4 Dated this 11th day of March, 2008.

5 
6 Karen L. Strombom

7 United States Magistrate Judge
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